

From: Murray Chapman
To: Microsoft ATR
Date: 11/16/01 9:06pm
Subject: Proposed remedy isn't tough enough

To Whom it May Concern,

Your proposed settlement with Microsoft is too weak. You won the case, yet Microsoft calls the settlement "fair," a definite sign that you could and should have got more.

As punishment for violating the probation imposed by Sporkin/Jackson in August 1995, you are sentencing Microsoft to more probation, with the threat of extending that probation if they don't comply.

Microsoft's demonstrated practice of disregarding constant decrees, coupled with the vague language of this new settlement will not change Microsoft's behaviour in any way. Further, where are the penalties for criminal conduct that Microsoft has repeatedly been found guilty of? (Sporkin: "simply telling a defendant to go forth and sin no more does little or nothing to address the unfair advantage it has already gained.")

"Civil fines" mean nothing to a company that increases its cash reserves by billions per month. A structural remedy would have been suitable; Microsoft got that judgement thrown out not because of any inherent flaws in it, but because of Jackson's protocol breach. Why is it now your position that this remedy is no longer necessary?

You are quoted as saying you were looking for the "most effective and certain relief in the most timely manner" -- why are you not trying for a "suitable penalty given the scale and scope of the violations"? Need I remind you that you won the case? "Timely" is a joke; the damage has been done, and the third parties who have been trampled by Microsoft's monopolistic behaviour seek a "proper" rather than "timely" settlement.

As someone who has been actively involved in computers for well over half my life, I urge you in the strongest possible terms to SERIOUSLY RECONSIDER seeking more in your proposed settlement with this convicted criminal monopolistic bully.

Extremely disappointed,
Murray Chapman
(View expressed are mine, not my employer's)

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